

**REAL ESTATE BOARD
MINUTES
MADISON, WI
Thursday, June 26, 2003**

PRESENT: Rebecca J. Dysland, Nancy Gerrard, Richard Hinsman, Richard A. Kollmansberger

EXCUSED: Maria E. Watts

STAFF PRESENT: Patricia Hoeft, Division Administrator of Board Services, William Black, Legal Counsel, Pat Schenck, and Division of Enforcement Staff

GUESTS: Debbie Conrad, Director, Wisconsin Realtors Association (WRA)

CALL TO ORDER

Richard Kollmansberger, Chairman, called the meeting to order at 10:10 a.m. A quorum of 4 members was present.

ADOPTION OF AGENDA

MOTION: Rebecca Dysland, moved, seconded by Richard Hinsman, to adopt the agenda as written. Motion carried unanimously.

APPROVAL OF MINUTES MAY 22, 2003

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland, to approve the minutes of 5/22/2003 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Patty Hoeft, Division Administrator of Board Services, informed the Board that Peter Sveum has been reappointed to the Board. Other Board members whose terms are expiring in July will continue to serve on the Board until they resign, are reappointed or replaced.

Richard Kollmansberger reported on the Board Chairman's meeting conducted on Tuesday, June 24, 2003 with Secretary Donsia Strong Hill. Issues discussed related to the fee study, Department budget, out-of-state travel costs, number of Board meetings, teleconference meetings, agenda packets, and other budgetary issues.

Patty Hoeft reported that Secretary Donsia Strong Hill would like to promote developing outreach listening sessions around the state at which Department staff would talk about how the Department functions.

Richard Hinsman has volunteered to offer a site in the Racine area for a outreach session and advised that a meeting will be held by Racine/Kenosha Board of Realtors on July 23, 2003.

- **Board Roster**

The Board Roster was approved as published.

- **2003 Meeting Dates**

The next meeting will be July 24, 2003.

- **Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Press Releases**

Noted

EXAM WRITING REIMBURSEMENT FROM VENDORS TO BOARD MEMBERS

The Board received a memo from Bill Dusso dated June 16, 2003, advising that the State Ethics Board determined that when outside exam vendors contract with a Board member to use acquired expertise in the practice of real estate to develop test items that will be used to determine the competency of applicants for a real estate license, the Board member is not participating as a representative of the Real Estate Board and would be entitled to receive a per diem and expense payment from the exam vendor. The Board member, in this circumstance, did not solicit the work as a test writer or reviewer and is not participating on behalf of, or at the request of, the Board. The invitation to participate in exam writing and review is based on expertise in real estate practice not because of the Board members' title or office.

LEGISLATION UPDATE

No activity to report at this time

ADMINISTRATIVE RULES UPDATE

Bill Black, Legal Council, presented additions and revisions to RL 25.03(n) and RL 25.035(h). Some areas were deemphasized and other areas were added so licensees would get a fair understanding of licensure requirements.

MOTION: Nancy Gerrard moved, seconded by Richard Hinsman, to adopt the changes and request the Department proceed with the Legislature promulgation process on RL 25. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE

Nothing to report.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Chairman Kollmansberger presented information concerning the following matters: Steven Gilbertson (01 REB 056), Patrick Connors and Joyce Mazzoni (01 REB 132), Richard Marlow and Hardy Marlow Inc (02 REB 172), Gary Sebold and Debra Mc Fadden (00 REB 293, 01 REB 042, 01 REB 079, 01 REB 085). These matters will be deliberated on in Closed Session.

CLOSED SESSION

MOTION: Richard Hinsman moved, seconded by Nancy Gerrard, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning. Motion carried by roll call vote. Rebecca Dysland- yes, Nancy Gerrard-yes, Richard Hinsman-yes, Richard A. Kollmansberger-yes.

Open session recessed at 10:45 a.m.

RECONVENE TO OPEN SESSION

MOTION: Nancy Gerrard moved, seconded by Richard Hinsman, to reconvene into Open Session at 11:48 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MONITORING REPORT

Nothing to report.

CASE CLOSINGS

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland to close the following complaints. Motion carried unanimously.

- 99 REB 363 Jason Decheine for prosecutorial discretion (P5), Burnet Realty Inc (P1), and Robert Nicholson (P1)
- 00 REB 082 for prosecutorial discretion (P1)
- 00 REB 200 for no violation
- 00 REB 246 for insufficient evidence
- 00 REB 293 Kevin Walsh for prosecutorial discretion (P5)
- 01 REB 085 Joe McFadden for prosecutorial discretion (P7)
- 01 REB 020 for no violation
- 01 REB 044 for no violation
- 01 REB 238 for no violation
- 01 REB 239 for prosecutorial discretion (P1)
- 01 REB 252 for prosecutorial discretion (P6)

01 REB 267 for prosecutorial discretion (P6)
02 REB 008 for prosecutorial discretion (P5)
02 REB 053 for prosecutorial discretion (P3)

ADMINISTRATIVE WARNINGS

MOTION: Rebecca Dysland moved, seconded Richard Hinsman to accept administrative warnings for the following. Motion carried unanimously.

02 REB 005
02 REB 039
02 REB 279
00 REB 293
01 REB 042
01 REB 079
01 REB 085

STIPULATIONS

MOTION: Nancy Gerrard moved, seconded Richard Hinsman, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order in each of the following matters as listed. Motion carried unanimously.

01 REB 056 Steven Gilbertson
01 REB 132 Patrick Connors and Joyce Mazzoni
02 REB 172 Richard Marlow and Hardy-Marlow Inc
00 REB 293, 01 REB 042, 01 REB 079, 01 REB 085 Gary Sebold
00 REB 085 Debra McFadden

DISCIPLINARY ACTIONS

MEREDITH L. SCHOEN

MOTION: Richard Hinsman moved, seconded Rebecca Dysland, to adopt the Final Decision and Order in the matter concerning Meridith L. Schoen. Motion carried unanimously.

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

Nothing to report.

AGENDA ITEMS FOR NEXT MEETING

Continuing Education Curriculum New Licensees
Regulatory Digest

Richard Hinsman report on outreach listening session in Racine on 7/23/03

ADJOURNMENT

MOTION: Nancy Gerrard moved, seconded by Rebecca Dysland, to adjourn the meeting at 11:55 a.m. Motion carried unanimously.

Next Board Meeting July 24, 2003